



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP  
Docket No. 1292-00  
22 September 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 14 August 1995 for four years at age 18. The record reflects that you were advanced to IS3 (E-4) and completed level II outpatient alcohol rehabilitation on 10 April 1998.

On 29 August 1998, the command drug and alcohol program advisor (DAPA) notified the commanding officer that you had not complied with your aftercare program. Your last departmental DAPA meeting was on 6 May 1998, you had not attended any formal aftercare group sessions or the required number of Alcoholics Anonymous meetings since returning from treatment, and had not attended any anger or stress management courses. Further, you had not made any arrangements with the departmental or command DAPA as to any circumstances which might keep you from meeting program requirements so that some sort of accommodations could be worked out. You were considered to have no potential for further service and were deemed an alcohol rehabilitation failure. Administrative separation was recommended.

On 18 August 1998 you were notified that you were being considered for administrative separation by reason of alcohol abuse rehabilitation failure. You were advised of your procedural rights, declined to consult with legal counsel, and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed separation with the type of discharge warranted by your service record. You were honorably discharged on 28 August 1998 and assigned an RE-4 reenlistment code.

Regulations provide that an individual may be separated by reason of alcohol abuse rehabilitation failure when he fails to follow a directed level II or II aftercare program. Regulations also require the assignment of an RE-4 reenlistment code to individuals discharged by reason of alcohol abuse rehabilitation failure. The Board noted your letter in support of your application indicating that you are gainfully employed, working toward a college degree, and that you desire to become a law enforcement officer and enlist in the reserves. However, you provide no probative evidence as to why to you failed to comply with your aftercare program. While you may have felt you had no alcohol problem, you were required to comply with the prescribed program as you would any lawful order. The Board believed that you were well aware of the consequences for failing to comply with the aftercare program. Since you were treated no differently than other individuals discharged under similar circumstances, the Board could find no error or injustice in the assigned reenlistment code. Your desire to become a police officer or enlist in the reserves does not provide a valid basis for changing a correctly assigned reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director